

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 244

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1413, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE FOR APPLICATION OF LAW AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 31-1423, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CIRCUMSTANCES IN WHICH A HIGHER LEVY EXCEEDS THE LOWEST LEVY IN A PROPOSED DISTRICT CONSOLIDATION, TO PROVIDE FOR A PUBLIC HEARING, TO PROVIDE FOR AN ELECTION AND TO PROVIDE FOR A QUESTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-1413, Idaho Code, be, and the same is hereby amended to read as follows:

31-1413. CONSOLIDATION OF DISTRICTS -- HEARING -- PROTEST -- ELECTION. Except as provided for in section 31-1423(2)(b), Idaho Code, aAny fire protection district may consolidate with one (1) or more existing fire protection districts subject to the following procedure, or pursuant to an election for consolidation as provided in section 31-1414, Idaho Code, and with the following effects:

(1) If, in the opinion of the board of any fire protection district, it would be to the advantage of said district to consolidate with one (1) or more other existing fire protection districts, the said board shall cause to be prepared an agreement for consolidation which shall among other things provide:

(a) The name of the proposed consolidated fire protection district.

(b) That all property of the districts to be consolidated shall become the property of the consolidated district.

(c) That all debts of the districts to be consolidated shall become the debts of the consolidated district.

(d) That the existing commissioners of the districts to be consolidated shall be the commissioners of the consolidated district until the next election, said election to be held pursuant to the terms of section 31-1410, Idaho Code, at which three (3) commissioners shall be elected, unless the agreement of consolidation establishes a five (5) member board, in which case five (5) commissioners shall be elected. If the board consists of three (3) members, commissioners from fire protection subdistricts one and two shall be elected for terms of four (4) years, and the commissioner from fire protection subdistrict three shall be elected for a term of two (2) years. If the board consists of five (5) commissioners, the commissioners from fire protection subdistricts one, three and five shall be elected for terms of four (4) years, and the commissioners from fire protection subdistricts two and four shall be elected for an initial term of two (2) years. Thereafter, the term of all commissioners shall be four (4) years.

(e) That the employees of the consolidated fire protection district shall be selected from the employees of the fire protection districts being consolidated, which employees shall retain the seniority rights under their existing employment contracts.

(2) After approval of the agreement of consolidation by each of the fire protection district boards involved, the boards of commissioners of each fire protection district shall hold a hearing not less than ten (10) or more than thirty (30) days thereafter, and shall cause notice of the hearing, designating the time and place, to be published in at least one (1) issue of a newspaper of general circulation within the district not less than five (5) days prior to the hearing. Any person supporting or objecting to the petition shall be heard at the hearing, if in attendance, and at the close of the hearing the board shall approve or reject the agreement of consolidation. If each board approves the agreement of consolidation, the agreement shall become effective and the consolidation of the district complete thirty (30) days after the approval unless within the thirty (30) days a petition signed by twenty-five percent (25%) of the qualified electors of one (1) of the fire protection districts objecting to the consolidation be filed with the secretary of the district. In the event of an objection, an election shall be held as provided in section 31-1405, Idaho Code, except that the question shall be "consolidation of .... fire protection district, yes," or "consolidation of .... fire protection district, no," or words equivalent thereto. If more than one-half (1/2) of the votes cast are yes, the agreement shall become effective. If more than one-half (1/2) of the votes cast are no, the agreement shall be void and of no effect; and no new consolidation shall be proposed for at least six (6) months following the date of the consolidation election.

(3) Upon the agreement of consolidation becoming effective, the board of the consolidated fire protection district shall file a certified copy of the agreement with the county recorder of each county in which such district is situated, and shall comply with the provisions of section 63-215, Idaho Code. The consolidated district shall thereafter have the same rights and obligations as any other fire protection district organized under the statutes of this state.

(4) An agreement of consolidation shall not take effect unless the provisions of section 31-1423(2) (b), Idaho Code, are complied with.

SECTION 2. That Section 31-1423, Idaho Code, be, and the same is hereby amended to read as follows:

31-1423. LEVY -- RECOMMENDED LEVY -- ELECTION. (1) Each year, immediately prior to the annual county levy of taxes, the board of commissioners of each fire protection district, organized and existing under this chapter, may levy a tax upon all the taxable property within the boundaries of such district sufficient to defray the cost of equipping and maintaining the district of twenty-four hundredths percent (.24%) of market value for assessment purposes, to be used for the purposes of this chapter and for no other purpose. The levy shall be made by resolution entered upon the minutes of the board of commissioners of the fire protection district, and it shall be the duty of the secretary of the district, immediately after entry of the resolution in the minutes, to transmit to the county auditor and the county asses-

1 sor certified copies of the resolution providing for such levy. Said taxes  
2 shall be collected as provided by section 63-812, Idaho Code.

3 (2) (a) If two (2) or more fire protection districts consolidate into  
4 one (1) district, the provisions of section 63-802, Idaho Code, shall  
5 apply to the consolidated district's budget request as if the former  
6 district which, in the year of the consolidation, has the higher levy  
7 subject to the limitations of section 63-802, Idaho Code, had annexed  
8 the other district or districts. In addition, the consolidated dis-  
9 trict shall receive the benefit of foregone increases accumulated by  
10 the former districts under section 63-802(1) (a), Idaho Code.

11 (b) Provided however, that if the higher levy rate provided for in  
12 subsection (2) (a) of this section exceeds the lowest levy rate of any  
13 of the districts to be consolidated by more than three percent (3%),  
14 the commissioners of the districts consolidating shall recommend, by  
15 a majority of the commissioners of each district involved, at a public  
16 hearing where a quorum of each district board is present, a levy rate  
17 that falls between the highest levy rate and the lowest levy rate. In  
18 determining such recommended levy rate, the commissioners shall recom-  
19 mend a levy rate that shall be sufficient to defray the cost of equipping  
20 and maintaining the new consolidated district. If such recommended  
21 levy rate exceeds by more than three percent (3%) the lowest current  
22 district levy rate of any of the districts to be consolidated, an elec-  
23 tion shall be held in a manner consistent with the provisions of section  
24 31-1414, Idaho Code. In such election, the electors residing in the  
25 fire protection districts seeking to consolidate shall vote to approve  
26 or disapprove the recommended levy rate and the proposed consolidation  
27 of districts. The question put to the electors shall be the same or sim-  
28 ilar to the question provided for in section 31-1414, Idaho Code, except  
29 that the question shall include, in addition to the language described  
30 in section 31-1414, Idaho Code, a reference to the recommended levy rate  
31 provided for in this section and a reference to the percentage change  
32 of such recommended levy rate from the levy rate in existence in each  
33 district in the immediately preceding year.